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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,103

Applicant(s)

KENNEDY ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3713

## **DETAILED ACTION**

### ***Preliminary Amendment***

1. Examiner acknowledges Applicant's preliminary amendment for cancellation of claims 1-49.

### ***Specification***

2. Claim 60 is objected to because of the following informalities: use of the phrase computes appears to be a misspelling of computer. Appropriate correction is required.

### ***Drawings***

3. New formal drawings are required in this application because current drawings are considered informal due to unprofessional hand drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims that a game program is executed by at least one of the local personal computer and the remote computer. The Applicant does not aptly describe the game

program to allow one of reasonable skill in the art to determine what portions of a game program will be process by which computer. Furthermore a description of how processing of a game program by separate machines will produce usable data, and how that data will be coalesced to provide for usable data.

6. Claim 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant fails to define a security detector, input, and event.

7. Claims 55, 57, and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant describes in the independent claim 50 that both the remote and local computer act to execute a game program. In claims 55, 57, and 63, Applicant contradicts earlier statement by stating that the game program is executed on just a local computer or just the remote computer. Applicant fails to further limit the claim and point out what system will perform the game program execution.

8. Claim 58 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant discloses unique communication between a player station and a remote computer through a local personal computer, but fails to teach how and what comprises the unique communication protocol.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3713

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 50-52, 55-58, and 60-63 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vegas Amusement Inc (Hereafter, VAI). In regard to claim 51 and 55, VAI teaches at least one player station, one local personal computer, and one remote computer for a video game system, where the remote and local computers jointly execute a game program in response to signal sent from the at least one player station (11:26-12:2).

In re claim 51, VAI teaches that the game program is written in an event drive language such as Visual Basic or Visual C (31:9-12).

In re claim 52, VAI teaches that a machine, which is interchangeable with a local computer, can have a currency acceptor, as well as a player station (32:23-35).

In re claim 56, VAI teaches that a player station transmits unique identification codes (18:17-23).

In re claims 57-58 and 60, VAI teaches that a game could be multi-player or single-player where the remote computer executes a game program (12:14-17) and the above mentioned limitation that a player station transmits unique identification codes over a communication system makes it inherent that a remote computer can communicate with a particular player station.

In re claim 61, VAI teaches the network configuration as a star or daisy chain arrangement (18:13-14).

In re claim 62, VAI teaches of a remote computer that operates a progressive jackpot feature in which all player stations may participate (12:27-29).

In re claim 63, VAI teaches that a computer workstation can execute a video game program (4:26-34).

11. Claims 50-58 and 61-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Pease et al (Pease). In regard to claim 50 and 63, Pease teaches of at least one player station (Fig. 1 ref. 108a), at least one personal computer receiving player inputs from player stations (Fig. 1 ref. 138), a communication means whereby the local computer can communicate with a remote computer (Fig. 1), and a game program is executed by a local computer and a remote computer. This is shown as the local computer generating a random or pseudo-random selection of players and the central computer executes a game program portion by selecting a casino as a winner then randomly selecting a player from a group of nominated players (2:35-54).

In re claim 51, Pease teaches of an event driven system shown through the ability to select winner nominees based upon a chance for a prize win at a casino, then determination of a winning casino which will drive the event to pick the actual winner (2:46-54). Another event driven aspect of the reference is the currency acceptor. If a card is inserted into a player station the game machine will accept the encoded credits (3:64-67). Through Pease's event driven description, it is inherent that the system be coded in an event driven language.

In re claim 52, as mentioned above Pease discloses a currency acceptor at a player terminal. Pease also discusses other embodiments using computers as a player terminal (10:21-39), where it becomes inherent that a winner would then be required to wager money through the computer.

In re claim 53, Pease teaches of a security detector connected to the personal computer (Fig. 1 and 5:25-34).

In re claim 54, Pease teaches of an interface assembly that allows communication between a player station and a local personal computer (Fig. 1).

In re claims 55 and 62, Pease teaches as above communication between player station and remote computer, and teaches that player activity and identity must be transmitted to be eligible for the progressive jackpot (6:12-41).

In re claim 56, Pease teaches that a machine or device maybe identified (2:52-53).

In re claim 57, Pease teaches of a progressive gaming system in which multiple casinos or other groupings partake (1:65-2:5) which define a multiplayer game.

In re claim 58, as discussed above the remote computer and player station communicate through the local personal computer (Fig. 1).

In re claim 61, Pease teaches the machines in a daisy or star configuration (3:10-35).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pease. Pease teaches the claimed limitations as discussed above, and further discloses that the player terminals can be any of a plurality of gaming devices (3:15-17). As is old and well known in the art, general computers can be used as player terminals for multiplayer games, such that one would be motivated to modify Pease, as a result of the suggestion of any type of player station can be substituted, so that is would have obvious to one having ordinary skill in the art at the time the

Art Unit: 3713

invention was made to use personal computers to provide low-cost high availability gaming terminals.

14. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pease in view of Torango et al. '158 (Hereafter, Tor). Pease teaches the claim limitation as discussed above, but does not teach remote disablement of a player station. Tor teaches that a remote system can send a disable message to a player machine for the purpose of allowing a security event to be processed to determine whether a prize win was valid. Both Pease and Tor teach of gaming systems incorporating progressive gaming and the system management. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pease to include a remote disable feature as taught by Tor to provide the extra measure of security to ensure a valid player win in a progressive gaming system.

#### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kennedy '174, discloses a networked gaming system that executes a game on multiple systems, programmed in an event driven language, running on terminals and PCs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers

Art Unit: 3713

for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale  
June 25, 2002



JESSICA HARRISON  
PRIMARY EXAMINER